

AMENDMENTS TO THE CLAIMS:

The listing of claims will replace all prior versions, and listings of claims in the application:

LISTING OF CLAIMS:

1. (currently amended) An apparatus for measuring toner concentration in a developer contained in a developer housing, the apparatus comprising:

a developer sample container that receives a portion of developer extracted from the developer housing;

a spectrophotometer that measures spectrophotometric data for the portion of the developer in the developer sample container; and

a processor that estimates the toner concentration based on ~~the measured spectrophotometric data and~~ a pre-determined relationship between at least one color space coordinate obtained from the spectrophotometric data and the toner concentration.

2. (original) The apparatus as set forth in claim 1, further comprising:

a surfactant ~~or solvent~~ that is mixed with the portion of developer extracted from the developer housing.

3. (currently amended) The apparatus as set forth in claim 1, wherein the pre-determined relationship further comprises:

a pre-determined empirical relationship between toner concentration and ~~spectrophotometric data~~ the at least one color space coordinate.

4. (currently amended) ~~The~~ An apparatus ~~as set forth in claim 3, wherein the pre-determined empirical relationship comprises~~ for measuring toner concentration in a developer contained in a developer housing, the apparatus comprising:

a spectrophotometer that measures spectrophotometric data for the portion of the developer in the developer sample container; and

a processor that estimates the toner concentration based on the measured spectrophotometric data and a pre-determined empirical relationship between the toner concentration and spectrophotometric data, the predetermined empirical relationship including an empirical relationship between the percent toner concentration and at least one of an L*, a*, b*, chroma, hue, and a CMC color difference color parameter.

5. (original) The apparatus as set forth in claim 3, wherein the pre-determined empirical relationship includes:

an empirical correction for the usage of the developer.

6. (currently amended) The apparatus as set forth in claim 5, further wherein the empirical correction for the usage of the developer comprises:

an empirical correction that incorporates the number of prints printed using the developer prior to testing with the apparatus into the empirical relationship between toner concentration and ~~spectrophotometric data~~ the at least one color space coordinate.

7. (original) The apparatus as set forth in claim 1, further comprising:

a leveling device for leveling the surface of the developer sample.

8. (currently amended) A method for measuring toner concentration in a developer comprising:

extracting a sample of the developer;

measuring color characteristics of the developer sample; and

estimating the toner concentration based on the measured color characteristics; and

mixing the developer sample with a solvent or surfactant prior to measuring color characteristics.

10. (original) The method as set forth in claim 8, wherein the estimating of the

toner concentration based on the measured color characteristics further comprises:
comparing the measured color characteristics with a pre-determined empirical relationship between a color characteristic and the toner concentration; and
estimating the toner concentration based on the comparing.

11. (original) The method as set forth in claim **10**, wherein the comparing of the measured color characteristics with a pre-determined empirical relationship includes:

comparing at least one of a measured CMC color difference, L^* , a^* , b^* , chroma, and hue color parameter with a pre-determined empirical relationship between the measured parameter and the toner concentration.

12. (original) The method as set forth in claim **8**, wherein the estimating of the toner concentration based on the measured color characteristics includes:

accounting for the usage of the developer in the estimating.

13. (original) The method as set forth in claim **8**, further wherein the estimating of the toner concentration based on the measured color characteristics includes:

comparing the measured color characteristics with a pre-determined empirical relationship between a color characteristic and the toner concentration wherein said comparing includes correcting for the usage of the developer; and
estimating the toner concentration based on the comparison.

14. (original) The method as set forth in claim **8**, further comprising:
leveling the developer sample.

15. (currently amended) A method for estimating the toner concentration in a developer comprising a toner and a carrier, the method comprising:

measuring a color characteristic of the developer sample;

and

comparing the measured color characteristic with a pre-determined relationship between the color characteristic and the toner concentration; and

estimating the toner concentration based on the comparing.

16. (original) The method as set forth in claim **15**, further comprising:
in the comparing step, accounting for a change in the color characteristic of the developer due to usage.

17. (original) The method as set forth in claim **16**, wherein the accounting for a change in the color characteristic of the developer due to usage includes:
receiving the number of prints which have been printed using the developer;
and
accounting for the change in the color characteristic using a pre-determined relationship between the color characteristic and the number of prints which have been printed using the developer.

18. (original) The method as set forth in claim **15**, wherein the measuring of a color characteristic of the developer comprises:
placing a sample of the developer into a sample container; and
measuring the color characteristic of the sample in the sample container.

19. (currently amended) The method as set forth in claim **18**, wherein the measuring of a color characteristic of the developer comprises:
leveling a surface of the sample of the developer in the sample container.

20. (new) The apparatus as set forth in claim **1**, wherein one of the processor and the spectrophotometer computes color space coordinates including the at least one color space coordinate from the spectrophotometric data.

21. (new) The apparatus as set forth in claim **1**, wherein the spectrophotometer includes:

a light source; a light detector; and a processor.

22. (new) An apparatus for measuring toner concentration in a developer, the apparatus comprising:

- a means for extracting a sample of the developer;
- a means for measuring color characteristics of the developer sample;
- a means for estimating the toner concentration based on the measured color characteristics; and
- a means for mixing the developer sample with a solvent or surfactant prior to measuring color characteristics.